

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

FULL CIRCLE UNITED, LLC)
Plaintiff)
VS.) CIVIL ACTION
BAY TEK ENTERTAINMENT, INC.,) NO.: 1:20-CV-03395
Defendant)

BAY TEK ENTERTAINMENT, INC.,)

Counterclaim Plaintiff)

VS.)

FULL CIRCLE UNITED, LLC)

Counterclaim Defendant)

and)

ERIC PAVONY,)

Additional Counterclaim)

Defendant)

_____)

VIDEOTAPED REMOTE ORAL DEPOSITION OF

ERIC COOPER

JUNE 6, 2022

VOLUME 1

REPORTED BY KATHRYN R. BAKER, RPR, CSR #6955

JOB #212203

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A. Yes.

Q. So this is January 1st, 2014.

Do you see that?

A. I do.

Q. Well, before -- before I go through that.

This is the First Circle United, LLC, Chase bank account that was introduced at Mr. Wikman's deposition.

And do you see the date here, January 1st, 2014, correct?

A. Okay, yes.

Q. And then at the end here, the date is December 31st, 2014.

Do you see that?

A. Yes.

Q. So you understand that Exhibit 17 is the bank account for the entire year of 2014?

A. Understood.

Q. Okay. Now I'm going to show you Exhibit 18. Which I will put up.

Okay. Do you see this, Mr. Cooper?

A. Okay.

Q. So I'll represent to you, again, this was Exhibit 18 marked at Mr. Wikman's deposition.

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2 This is the Full Circle United, LLC, Chase
3 bank account. And if you look at the upper right-hand
4 corner, the first date here is January 1st, 2015.

5 Do you see that?

6 A. Yes.

7 Q. And then the final date in here, once this
8 loads, is May 3rd, 2016.

9 Do you see that?

10 A. Yes.

11 Q. And then do you see at the top of this page
12 here, it says, Insufficient funds fee.

13 Do you see that, Mr. Cooper?

14 A. Yes.

15 Q. Are you aware of the Full Circle United bank
16 account being closed at any point?

17 A. I am not aware of that.

18 Q. Okay. So I want you to think about these dates
19 again.

20 So the document I showed you a moment ago
21 was all of 2014, correct?

22 A. Right. And then is 2015 through --

23 Q. May of 2016.

24 A. -- May of 2016.

25 Q. Right.

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2 A. Yeah.

3 Q. Now, your bank account that I showed you was
4 January 1st, 2018, through September 30th, 2018, correct?

5 A. My bank account was 2018.

6 Q. Yes.

7 A. The UFCU account.

8 Is that what you're talking about?

9 Q. Correct.

10 A. Okay. Yes.

11 Q. And then I showed you -- I had shown you another
12 Full Circle account that was 2018 through 2021.

13 Do you recall looking at that one?

14 A. Yeah, I recall it, yes.

15 Q. Okay. The reason I'm asking you this is because
16 these documents that I just showed you were produced as
17 being Full Circle's bank accounts for this period of time.

18 And it was represented by Mr. Wikman that
19 your bank account, that one that we showed you from
20 University Federal Credit Union was functioning as Full
21 Circle's bank account for that period of time.

22 Does that sound familiar to you at all?

23 MR. SKIBELL: Objection to form.

24 I mean, how would -- he hasn't seen Eric
25 Wikman's deposition. How would he be familiar with it?

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2 MR. HUMPHREY: I am -- I'm not asking about
3 if he's familiar with the deposition.

4 MR. SKIBELL: Okay.

5 MR. HUMPHREY: I'm asking if he's familiar
6 with the idea of his bank account being used as Full
7 Circle's. Was he ever told that.

8 A. If that's what it was -- I mean --

9 MR. SKIBELL: Eric, don't speculate about
10 what other -- he's asking you merely, do you know if your
11 bank account was used for Full Circle?

12 A. I don't recall exactly why I had to open that --
13 I opened that bank account. I was asked to open that bank
14 account.

15 Q. (BY MR. HUMPHREY) Well --

16 A. It sounds like you got the answer from
17 Mr. Wikman.

18 Q. No. Well, I'm asking you.

19 MR. HUMPHREY: And Reid, respectfully, you
20 should refrain from couching here.

21 Q. (BY MR. HUMPHREY) The question I'm asking here
22 is: Do you have any knowledge of why Mr. Wikman would
23 have said your bank account was being used as Full
24 Circle's?

25 MR. SKIBELL: Objection, calls for

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2 speculation as to Eric Wikman's state of mind.

3 You can answer.

4 A. I don't recall the specifics of why. I thought
5 it had something to do with technology.

6 Q. (BY MR. HUMPHREY) So Mr. Wikman was the one
7 who asked you to open the bank account in your name,
8 correct?

9 A. Yes.

10 Q. Mr. Pavony didn't ask you that?

11 A. I believe he was privy to the concept, but I
12 don't believe he was -- I think it was Eric Wikman.

13 Q. When you say "concept," what do you mean?

14 A. Whatever -- I meant opening an account.

15 Q. Was the reason you were asked to open the
16 account was because Full Circle's bank account had been
17 closed for having insufficient funds?

18 MR. SKIBELL: Objection, calls for
19 speculation.

20 A. I don't know the answer to that.

21 Q. (BY MR. HUMPHREY) So they told you to open a
22 bank account in your own name and you can't remember why
23 they asked you to do that?

24 MR. SKIBELL: Objection, misstates the
25 testimony.

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2 You can answer.

3 A. I don't remember why they asked me to do that.

4 I -- I'm not saying I did it blindly.

5 Whatever -- whatever the point was at the time was

6 probably valid, but insignificant enough for me not to

7 remember at this point.

8 Q. (BY MR. HUMPHREY) So you don't know one way or
9 another?

10 A. I don't -- like I said, if -- everything I'm
11 going to say is speculation. I thought it -- like I said,
12 I thought it had to do with technology and the payment
13 app.

14 Q. Did you ask Mr. Wikman why he wanted you to do
15 this, do you recall?

16 A. I don't remember. I'm sure --

17 MR. SKIBELL: Eric, you've got to go slower
18 so I can object.

19 But that's fine. Sorry.

20 Q. (BY MR. HUMPHREY) Do you remember when this
21 conversation with Mr. Wikman took place?

22 A. No. I would -- I would imagine it was prior to
23 the opening of the account.

24 Q. If you look at the dates on these statements
25 that I showed you, the one that I have up on the screen

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2 Q. (BY MR. HUMPHREY) Are you aware of Full Circle
3 United having any bank accounts between May 2016 and
4 January 2018?

5 MR. SKIBELL: Objection, asked and
6 answered.

7 A. Yeah, same answer. I'm not -- I do not
8 remember.

9 Q. (BY MR. HUMPHREY) Full Circle United, you
10 don't remember?

11 A. I don't.

12 Q. Okay. Do you have any knowledge of Full Circle
13 United's recordkeeping during this time?

14 A. I do not.

15 Q. At all?

16 A. (Witness nods head negatively.)

17 Q. So do you recall during the period of May 2016
18 through January 2018, we looked earlier, and we saw that
19 there were some payments being made from Full Circle
20 United to Extra Positive Land and to you?

21 A. What was the time frame again? I apologize.

22 Q. From May 3rd, 2016, to January 2018, but we
23 don't appear to have records.

24 A. Uh-huh.

25 Q. During that period of time, how were expenses